

October 16, 2009

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
October 16, 2009

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,  
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 18, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD SEPTEMBER 18, 2009?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	162.....	9
Agriculture .....	482.....	17
Arts Council.....	21.....	2
Capitol Development Board .....	45.....	0
Central Management Services .....	1,467.....	119
Children and Family Services .....	3,075.....	49
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	436.....	70
Commerce Commission.....	72.....	0
Corrections.....	11,520.....	116
Criminal Justice Authority .....	57.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	97.....	6
Employment Security.....	1,967.....	25
Environmental Protection Agency .....	959.....	19
Financial & Professional Regulation .....	506.....	41
Gaming Board.....	79.....	7
Guardianship and Advocacy .....	111.....	8
Healthcare and Family Services.....	2,383.....	28
Historic Preservation Agency .....	314.....	12
Human Rights Commission .....	14.....	2
Human Rights Department .....	149.....	10
Human Services .....	13,897.....	76
Insurance.....	223.....	9
Investment Board.....	3.....	2
Juvenile Justice .....	1,234.....	20
Labor.....	81.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	18.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	125.....	3
Natural Resources .....	1,487.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	20.....	1
Public Health.....	1,119.....	44
Racing Board .....	2.....	0
Revenue .....	2,034.....	64
State Fire Marshal .....	145.....	12
State Police .....	1,380.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems .....	83.....	2
Transportation.....	2,311.....	0
Veterans' Affairs.....	1,195.....	7
Workers' Compensation Commission .....	169.....	9
TOTALS .....	49,539.....	841

**B. Governing Rule – Jurisdiction B Exemptions**

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  1. The Governor, or
  2. A departmental director or assistant director appointed by the Governor, or
  3. A board or commission appointed by the Governor, or
  4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
  3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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**C. Illinois Department of Public Health – Proposed Exemption (continued from September 18, 2009)**

Position Number	40070-20-09-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Preparedness & Response
Functional Title	Division Chief for Disaster Planning & Readiness
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “The position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**D. Illinois Department of Corrections – Proposed Exemption**

Position Number	40070-29-00-000-10-02
Position Title	Senior Public Service Administrator
Bureau/Division	Constituent Services
Functional Title	Chief of Constituent Services
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “The position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**E. Illinois Department of Human Services – Proposed Exemption**

Position Number	40070-10-76-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Mental Health
Functional Title	Deputy Director for Clinical Operations
Incumbent	Vacant
Supervisor	Director of Mental Health, who reports to the Assistant Secretary who in turn reports to the Secretary
Location	Sangamon County

**CMS Recommendation:** “The position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

- F1. Illinois Environmental Protection Agency – Proposed Reversal of Rescission**
- F2. Illinois Department of Revenue – Proposed Reversal of Rescission**

<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
EPA	40070-46-00-000-00-04	Policy Advisor-exemption rescinded 8/21/09
DOR	37015-25-04-100-00-01	Legislative Liaison-exemption rescinded 8/21/09

**CMS requests that the Commission reconsider and reverse its August 21, 2009 decision to rescind the Section 4d(3) exemptions of the above positions:** “At the August 21, 2009 meeting of the Civil Service Commission, the Commission acted to rescind the 4d(3) exemption status from numerous exempt positions due to extended vacancies. Due to administrative oversight, two of the positions rescinded had active incumbents. 40070-46-00-000-00-04 was filled with an effective date of June 15, 2009 and 37015-25-04-100-00-01 was filled with an effective date of March 16, 2009. It is requested that the reversal of the exemption rescissions be effective August 21, 2009 to ensure these appointments remain in compliance with the Personnel Code and Rules.”

**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- C: Division Chief for Disaster Planning & Readiness**
- D: Chief of Constituent Services**
- E: Deputy Director for Clinical Operations for the Division of Mental Health**

**WILL THE COMMISSION RECONSIDER AND REVERSE ITS AUGUST 21, 2009 RESCISSION OF 4D(3) EXEMPTION STATUS FOR THE FOLLOWING POSITIONS, SUCH REVERSAL TO BE RETROACTIVE TO AUGUST 21, 2009?**

- F1: EPA Policy Advisor**
- F2: DOR Legislative Liaison**

**V. CLASS SPECIFICATIONS**

- **None submitted**

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

**VI. MOTION TO GO INTO EXECUTIVE SESSION**

**PURSUANT TO SUBSECTIONS 2I(1), 2I(4), AND 2I(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	<b>8/31/09</b>	<b>9/30/09</b>	<b>9/30/08</b>
Aging	1	<b>1</b>	0
Agriculture	5	<b>5</b>	2
Central Management Services	0	<b>0</b>	4
Children and Family Services	10	<b>7</b>	3
Criminal Justice Authority	1	<b>0</b>	0
Employment Security	10	<b>8</b>	7
Healthcare and Family Services	13	<b>6</b>	12
Historic Preservation	1	<b>1</b>	0
Human Services	1	<b>4</b>	5
Investment Board	0	<b>0</b>	1
Natural Resources	37	<b>32</b>	15
Property Tax Appeal Board	2	<b>0</b>	0
State Fire Marshal	1	<b>1</b>	0
State Retirement Systems	0	<b>0</b>	1
Transportation	8	<b>6</b>	13
Veteran's Affairs	1	<b>0</b>	7
Workers' Compensation Commission	0	<b>0</b>	6
<b>Totals</b>	91	<b>71</b>	76

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **DISCHARGE**

**DA-30-09**

Employee	Harold R. Hayes	Appeal Date	02/09/09
Agency	DOC	Decision Date	10/02/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; being non-alert on duty	Recommended Decision	90-day suspension.

**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?**

• **DISCHARGE**

**DA-1-10**

Employee	LaTreece M. Jeffries	Appeal Date	07/09/09
Agency	DHS	Decision Date	10/02/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Charges are not proven; discharge is set aside in whole.

**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?**

• **DISCHARGE**

**DA-2-10**

Employee	John F. Miaso	Appeal Date	08/05/09
Agency	FPR	Decision Date	10/02/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of secondary employment policy; unethical behavior; and interfering with an official investigation	Recommended Decision	Charges are proven and warrant discharge.

**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?**

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X. APPEALS DISPOSED OF WITHOUT DECISION ON THE MERITS

• **DISMISSED**

**DA-32-09**

Employee	Dianna J. Zimmer	Appeal Date	02/27/09
Agency	DHS	Decision Date	10/05/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

**DA-47-09**

Employee	Gary Probst	Appeal Date	06/17/09
Agency	DOC	Decision Date	10/05/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; failure to maintain accurate inventory reports on medication/supplies	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISIONS IN THE ABOVE MATTERS?**

XI. REPORT ON THE TREATMENT OF PRIOR DISCIPLINARY INCIDENTS WHICH ARE THE SUBJECT OF PENDING GRIEVANCES

XII. MEETING SCHEDULE FOR CALENDAR YEAR 2010

**WILL THE COMMISSION APPROVE THE FOLLOWING AS ITS MEETING SCHEDULE FOR CALENDAR YEAR 2010?**

January 15, 2010	Chicago		July 16, 2010	Chicago
February 19, 2010	Chicago		August 20, 2010	Chicago
March 19, 2010	Chicago		September 17, 2010	Chicago
April 16, 2010	Chicago		October 15, 2010	Chicago
May 21, 2010	Springfield		November 19, 2010	Springfield
June 18, 2010	Chicago		December 17, 2010	Chicago

**CHICAGO MEETINGS WILL BEGIN AT 11:00 A.M. AND SPRINGFIELD MEETINGS WILL BEGIN AT 1:00 P.M.**

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XI. FY 2009 ANNUAL REPORT

**WILL THE COMMISSION APPROVE THE FISCAL YEAR 2009 ANNUAL REPORT?**

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, November 20, 2009 at 1:00 p.m. in the Commission's Springfield office.**

XV. MOTION TO ADJOURN